

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| -----X | | |
| ISABEL MENDEZ et al., | : | |
| | : | |
| Plaintiffs, | : | |
| | : | 22 Civ. 470 (LGS) |
| -against- | : | |
| | : | <u>ORDER</u> |
| LEONIDAS KOUSOULIS et al., | : | |
| | : | |
| Defendants. | : | |
| -----X | | |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on January 19, 2022, Defendants filed a notice of removal of this action from the Supreme Court of the State of New York, Bronx County, asserting that removal is proper on the basis of diversity jurisdiction.

WHEREAS, “the party asserting federal jurisdiction bears the burden of establishing jurisdiction, and it must prove jurisdiction by a preponderance of evidence.” *Platinum-Montaur Life Sciences, LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 617 (2d Cir. 2019) (internal quotation marks omitted).

WHEREAS, for purposes of diversity jurisdiction, “a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.” 28 U.S.C. § 1332(c)(1).

WHEREAS, a limited liability corporation “takes the citizenship of all of its members,” *Platinum-Montaur Life Sciences, LLC*, 943 F.3d at 615, and “a partnership takes the citizenship of all of its partners.” *Id.*

WHEREAS, the Complaint alleges that Defendant DBA Mega Trust Transport is a business, corporation and partnership operating in New Jersey, and that the Defendants admitted the allegations with respect to their residency in their Answer.

WHEREAS, the notice of removal reiterates the Complaint's allegation that DBA Mega Trust Transport operated in New Jersey.

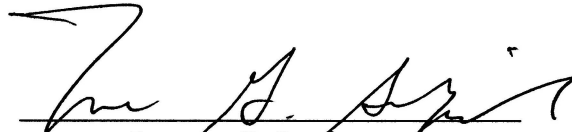
WHEREAS, it is not possible to determine DBA Mega Trust Transport's citizenship from the notice of removal.

WHEREAS, "[a] district court may not assume subject matter jurisdiction when the record does not contain the necessary prerequisites for its existence." *Id.* at 618. It is hereby

ORDERED that by **January 27, 2022**, Defendants show cause in writing why this case should not be remanded to the Supreme Court of the State of New York, Bronx County for lack of subject matter jurisdiction. It is further

ORDERED that Defendants are directed to serve on Plaintiffs a copy of this Order, and to file proof of such service on the docket by **January 27, 2022**.

Dated: January 25, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE